

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2022-83-E

IN RE:)	
)	
Jeannie P. Brown,)	
Complainant,)	
)	
v.)	DUKE ENERGY PROGRESS, LLC’S
)	REPLY TO COMPLAINANT’S
)	RESPONSE TO MOTION TO DISMISS
)	
Duke Energy Progress, LLC,)	
Respondent.)	
)	

Pursuant to S.C. Code Ann. Regs. 103-829, and applicable South Carolina law, Respondent Duke Energy Progress, LLC (“DEP” or the “Company”) replies to Complainant Jeannie P. Brown’s response to the Company’s Answer and Motion to Dismiss filed in the above-captioned proceeding on March 28, 2022. For the reasons that follow, as well as those set forth in DEP’s motion, the Commission should dismiss the Complaint with prejudice.

ARGUMENT

At the outset, the Company certainly recognizes and appreciates that Complainant is not a lawyer, and it never intended to cause stress or anxiety. The Company was simply responding to the Complaint, as required by the Commission’s rules and regulations. Pursuant to that legal framework, the Company argued for dismissal because the Complaint contains no allegation that DEP violated any Commission jurisdictional statute, rule, regulation, or order for which the Commission can grant relief.

DEP always welcomes customer feedback. To that end, DEP is investigating—and takes very seriously—Complainant’s allegations regarding her telephone calls with the Company’s

customer service representatives. As for the presence of streetlights, DEP is not calling Complainant a liar. Rather, she may have a different view on whether she derives a benefit from the neighborhood streetlights than the standard established by law and the Commission's tariffs. Further, the Company has already explained the perceived billing issue. Simply put, Complainant and her neighbors have been paying the streetlight charge for years—it just was not specifically delineated on the bill.

To be clear, the Company was not hiding the charge before. The Company just was not required to delineate on the customer's bill the various charges it was permitted to collect from customer under tariffs approved by the Commission. With the implementation of the Customer Connect program, the Company changed that, and customers now have access to a line-item list that breaks down the various charges that have been in place for decades. This was meant to provide an added level of transparency for customer billing, not to cause customer confusion. In any event, the disputed charges are appropriate and lawful. Respectfully, Complainant has not made any allegation or showing to the contrary.

DEP is pleased to hear that Complainant has “has been very satisfied with” the Company's “service for 63 years.” Ex. A, 3/31/2022 Brown Email to Hall & Bateman. And the Company remains committed to continue providing that level of service to Complainant and all DEP customers. For purposes of the Complaint filed with the Commission, however, Complainant has not requested any specific relief. *Cf.* S.C. Code Ann. Regs. 103-824(A)(4). What is more, the Complaint does not identify any alleged violations of a Commission jurisdictional statute, rule, regulation, or order for which the Commission can grant relief. *Cf. id.* 103-824(A)(3).

Because the Complaint does not meet the requirements of S.C. Code Ann. Regs 103-824, the Company therefore respectfully asks the Commission to dismiss it with prejudice.

CONCLUSION

In sum, the Commission should dismiss the Complaint, with prejudice, and grant such other relief as the Commission deems just and proper.

Respectfully submitted this 12th day of April, 2022.

Katie M. Brown, Counsel
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and

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To: "rhall@scconsumer.gov" <rhall@scconsumer.gov>, "abateman@ors.sc.gov" <abateman@ors.sc.gov>

Cc:

Bcc:

Priority: Normal

Date: Thursday March 31 2022 8:33:20PM

Duke Energy Docket No. 2022-83-E

Hello!

My name is Jeannie P. Brown. I filed a complaint with the Public Service Commission about the street lighting charge that Duke Energy had added to my bill to be "transparent" in their billing. After contacting Duke Energy about this charge and being hung up on multiple times and denied the request to be transferred to a supervisor, I decided to take this matter up with the Public Service Commission.

I do not benefit from the street lighting in my neighborhood. We actually installed lighting in our front yard to cover the street in front of my home, so the neighbors could walk down the road at night in safety. I learned that I had been paying this street light fee since I purchased my lot and moved into this neighborhood in 1979. At that time if I realized I was paying for a street light that do not benefit me, I would have probably questioned the charge then. Now I have received the Motion to Dismiss Complaint from Duke Energy. I noticed that they did not include the Sept 30, 2021 bill I had included in the complaint which is a bit confusing. I had asked Chad Campbell at the PSC for a letter from Duke Energy explaining exactly where the street lighting charge was at in our prior bills. He was unsuccessful at getting this information for me. That is when I felt that this is an additional charge on everyone in our neighborhood's bill.

In the motion to dismiss it states "And Complainant "does" derive a benefit from those streetlights. If the person did not personally come to my neighborhood and witness this, that person is actually calling me a liar. If they did come, I wished I had known, I would have invited them in for supper since it would have had to been at night.

This has actually caused me tremendous anxiety! I am a 63 years old woman. All I want and stated from the start of this is what I am paying for....a street light that benefits me at no charge to install. At that time CP&L obviously installed the streetlights incorrectly because they are not spaced out as 4 lights to 40 lots. Also there was never a specific charge for street lights on our bills, and I have a hard time figuring out how we were being charged for this service.

In conclusion, I know I cannot fight a big utility company. It's not like I can cancel this service. I have to have the power they supply, and I have been very satisfied with their service for 63 years. If the complaint is dismissed, I have no choice but to continue paying my bill and paying for the upkeep of the lighting I have installed on my own for my use and for my neighbors walk the street at night without having to walk through a dark hole in the middle our road.

Thank you very much for your time in this matter.

Sincerely,
Jeannie P. Brown

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Jeannie P. Brown,)
)
Complainant/Petitioner,)
)
v.)
)
Duke Energy Progress, LLC,)
)
Defendant/Respondent.)
)

CERTIFICATE OF SERVICE

This is to certify that I, Toni C. Hawkins, a paralegal with the law firm of Robinson Gray Stepp & Laffitte, LLC, have this day caused to be served upon the person(s) named below **Duke Energy Progress, LLC's Reply to Complainant's Response to Motion to Dismiss** in the foregoing matter by electronic mail and/or by placing a copy of same in the U.S. Mail addressed as follows:

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Dated at Columbia, South Carolina this 12th day of April, 2022.


